

MARFIN'S CLAIM

BALTAZAR MARFIN.

L E T T E R

FROM

THE SECRETARY OF THE INTERIOR,

TRANSMITTING

The claim of Baltazar Marfin for depredations committed by Navajo Indians.

JANUARY 26, 1871.—Referred to the Committee on Claims and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., January 26, 1871.

SIR: I have the honor to present herewith for the consideration of Congress, under the provision of the fourth section of the act of 15th July, 1870, making appropriations for the Indian service, the claim of Baltazar Marfin, on account of a depredation by Navajo Indians, in June, 1870.

A letter dated the 11th instant, from the Commissioner of Indian Affairs, reporting the claim to this Department, is also herewith transmitted.

Very respectfully, your obedient servant,

C. DELANO,
Secretary.

Hon. JAMES G. BLAINE,
Speaker of the House of Representatives.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., January 11, 1871.

SIR: I have the honor to submit herewith a claim of Baltazar Marfin, on account of a depredation committed by Navajo Indians upon his property in June, 1870, amounting to \$475.

The testimony adduced consists of the joint affidavit of the claimant and two citizens of New Mexico, dated 20th July, 1870, to the effect that on the 3d of June last a party of Navajo Indians stole from Baltazar Marfin twelve horses and mules; that these affiants went in pursuit of the thieves; that at Fort Wingate eight of the stolen animals were delivered to the claimant by Colonel W. R. Price, upon an order of the United States agent for the Navajoes, and that since then a mule

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has been restored by the agent; also that a horse belonging to claimant had died from being over-driven in the pursuit, valued at \$150, and that the Navajoes killed two of the stolen horses, valued at \$100 each, and a mule worth \$25. Claimant testifies that he had to hire men and horses to go with him to recover the stolen property, at an expense of more than \$100, and declares that the payment of \$475 would not fully reimburse him for the losses incurred. The other affiants, Messrs. Trugillo and Chacon, testify to their knowledge of the stock stolen, and to their belief that the damage claimed is not too much.

The claim was filed in this office on the 10th August last, by J. T. McCarty, attorney for claimant, and on the 12th of that month was transmitted to Superintendent Clinton, with directions to instruct the agent for the Navajoes to present it to the Indians in council, and to demand satisfaction therefor as required by the 17th section of the intercourse law of June 30, 1834. On the 12th December last, it was returned here by Superintendent Nathaniel Pope, with a report from Agent Bennett that eight of the horses and one mule were returned to T. E. Army for the owner at Fort Wingate, on the 5th July, 1870, and that the chiefs who brought them in admitted the Indians killed two horses and one mule. The agent further reports that he presented the claim for two horses and mule to a council of chiefs and headmen, in accordance with the law of June 30, 1834, and they admitted the justice of the same, and said it should be paid.

In my opinion the claim is good for the value of the two horses and mule, \$225, but I do not think the charges for the horse that died from being over-driven in the pursuit of the thieves, and for expense incurred in recovering the property, are admissible, these being in the nature of consequential damages. I respectfully suggest that the case be submitted to Congress, with a request for a special appropriation for the adjustment of the same, under the 4th section of the act of Congress making appropriations for the Indian Department, approved July 15, 1870.

Very respectfully, your obedient servant,

E. S. PARKER,
Commissioner.

Hon. C. DELANO,
Secretary of the Interior.

COUNTY OF RIO ARriba, *Territory of New Mexico*, ss:

Personally appeared before me, a justice of the peace within and for the county and Territory aforesaid, Baltazar Marfin, José Ygnacio Trugillo, and José Ygnacio Chacon, citizens of this county, to me personally known, who being sworn according to law, declare as follows, viz:

That on the 3d day of June, 1870, there came to the pasture, about two miles from the cañons in county and Territory aforesaid, a party of Navajoes, and stole twelve horses and mules; that as soon as said Baltazar Marfin, the owner of said animals, knew of the theft, he, in company with the said Trugillo and Chacon, traveled after them, and that at Fort Wingate there was delivered to him by Col. Wm. Redwood Price, by order of Capt. F. T. Bennett, agent of the Navajoes, eight of the stolen animals, and that since, one mule has been restored to him by said Capt. Bennett.

They further declare that one stolen horse died from over driving on the trip, and was sick and died on the road home, for which said Baltazar Marfin claims the sum of \$150, it being a stallion which he kept for breeding purposes; two good mares at \$100 apiece, which were killed by the said Navajo Indians; also one mule valued at \$25, which was also killed by the said Navajo Indians. Total value of the horses and mules, \$375.

The said Marfin further declares that he had to hire horses and employ men to go with him to recover his property; and that the expenses of the same amounted to more

than one hundred dollars, and he, under oath, declares that the payment of the sum of \$475 will not fully reimburse him for the losses he incurred by the theft of the Navajoes as before stated.

The said Trugillo and Chacon further declare that they know the stolen stock and are not personally interested in them, but believe that the damages claimed above is not too much, and that they have no interest in this claim, which they believe to be just.

The said Marfin, Chacon, and Trugillio do also declare under oath that the said Navajo Indians came off their reservation and out of the Indian country, and in the settlements to steal said horses; and said parties further declare that said Marfin has not, either by himself, his representatives, attorney, or agent, violated any provisions of the Indian intercourse law, by seeking or attempting to obtain private satisfaction or revenge; that they quietly followed the Indians, and the property which they recovered, as specified above, was restored to them through the parties mentioned above.

Given under our hands and seals this 20th day of July, 1870.

BALTAZAR MARFIN.	[SEAL.]
JOSÉ YGNACIO TRUGILLIO.	[SEAL.]
JOSÉ YGNACIO CHACON.	[SEAL.]

Witness:

VICENTE ARCHULETA.
JOSÉ GABRIEL MARTINEZ.

Sworn and subscribed to before me this 20th day of July, 1870.

GERONIMO GALLEGOS,
Justice of the Peace, Precinct No. 5, Rio Arriba County, New Mexico.

OFFICE SECRETARY OF NEW MEXICO,
Santa Fé, New Mexico, July 30, 1870.

This certifies that Geronimo Gallegos, esq., who signed the foregoing, was at the date thereof a justice of the peace in said Territory, and that his signature is genuine.

Given under my hand and official seal at Santa Fé, the year and day above written.

[SEAL]

H. WELLER,
Secretary of New Mexico.

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